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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,074	03/10/2004	Cheng-Te Chi	FP10026	2667

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EXAMINER

DEL SOLE, JOSEPH S

ART UNIT PAPER NUMBER

1722

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/796,074

Applicant(s)

CHI, CHENG-TE

Examiner

Joseph S. Del Sole

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claim 4 is objected to because of the following informalities: **a)** at lines 3 and 4 "to where above" is grammatically incorrect. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Chi (6,338,768).

Chi teaches an extruding system for producing plastic sheets having a first and second extruder adapted to a heating die (Fig 2 and col 2, lines 45-67); materials being delivered into the heating die through heated guide pipes (Fig 2, and col 2, lines 45-67); upper and lower shaft rods to take up upper and lower webs being pivoted to the front of a rolling compressor (col 2, lines 60-67); the heating guide pipe of the second extruder is connected to the right of, left of, and above the heating die for delivering plastic materials at the same time in conjunction with the first extruder (Fig 2 and col 2, lines 45-67; the Examiner notes that any relative spacing between the extruders, as shown in Fig 2, can be interpreted as having any relationship (including left, right or above) without further definition).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Derwent Abstract 2000-318643 in view of JP 01-270803.

Derwent Abstract teaches an extruding system for producing plastic sheets having a first and second extruder adapted to a heating die; materials being delivered into the heating die through heated guide pipes; a upper or lower shaft rod to take up upper or lower web being pivoted to the front of a rolling compressor (see Abstract).

Derwent Abstract fails to teach two shaft rods to take up to webs.

JP 01-270180 teach a show sole having a laminate layer including a second cloth adhered to a molded, the second cloth being used by Derwent Abstract for the purpose of decreasing kinetic energy.

It would have been obvious to one having ordinary skill in the art at the time of the Applicant's invention to have modified Derwent Abstract with a second cloth being a woven cloth as taught by JP 01-270180 because JP01-270180 teaches that such a structure allows for improved shock absorbance and also because both references teach similar materials and end-products.

7. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Derwent Abstract 2000-318643 in view of JP 01-270803 and further in view of Erb (3,547,682).

Derwent Abstract and JP 01-270803 teach the apparatus as discussed above.

Derwent Abstract fails to explicitly teach the relative positioning of the two extruders.

Erb teaches first and second extruders having position that can be interpreted as being any of connected to the right of, left of or above the heating die (Fig 2) for the purpose of simultaneously providing separate extrusions to a separate material between rollers.

It would have been obvious to one having ordinary skill in the art at the time of the Applicant's invention to have modified the invention of the Derwent Abstract with extruders connected to the right of, left of or above as taught by Erb because such positioning enables simultaneous extrusions.

References of Interest

8. Ide et al (6,186,765), Ohki et al (5,928,679), Luraschi (3,778,207), Lefevre et al (3,565,737), Lee et al (3,477,099), Rost et al (6,368,445), Wiley (3,959,432), Wear

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(1,228,997) and Kiyono et al (3,715,420) are cited of interest to show the state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph S. Del Sole whose telephone number is (571) 272-1130. The examiner can normally be reached on M-F 8:30 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Joseph S. Del Sole". The signature is written in a cursive, flowing style.

Joseph S. Del Sole